

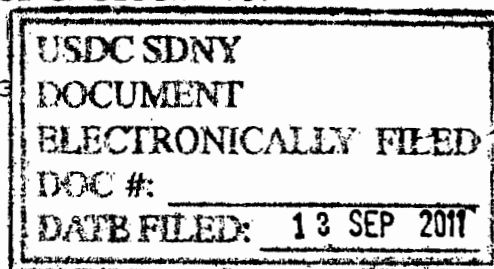
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September 12, 2011

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VIA FACSIMILE #212-805-0426**and First Class Mail**

The Honorable Laura Taylor Swain
United States District Court Judge
United States District Court, S.D.N.Y.
500 Pearl Street
New York, New York 10007-1312

MEMO ENDORSEDRE: SEC v. Amerindo Investment Advisors Inc., et al. 05 Civ. 5231 (LTS)(DFE)

Dear Judge Swain:

We are counsel to Alberto Vilar, Defendant in the above-captioned action. We write concerning the Status Conference scheduled for September 14, 2011 at 2:30 p.m. As has been previously reported to you, the parties are attempting to arrive at a global resolution with respect to the above-captioned and the companion criminal matter before the Honorable Richard J. Sullivan, 05-CR-621(RJS), and have been reviewing a proposed Stipulation and Order to be submitted to Judge Sullivan in the criminal matter. Alberto Vilar's criminal counsel in the case has requested a short continuance of the Status Conference because we believe she is a necessary participant in the Status Conference, and she is unavailable to attend same. She has advised that she will be able to focus on the proposed Stipulation and Order subsequent to September 20th, and would be able to attend a Status Conference soon thereafter. Accordingly, request is respectfully made that the Status Conference presently scheduled for September 14, 2011 be adjourned to a date which is convenient to all of the parties and their counsel. We have communicated with counsel for the Securities and Exchange Commission, and they have no objection to a continuance of the Status Conference, and they have suggested the afternoon of September 23, 2011.

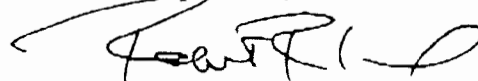
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The Honorable Laura Taylor Swain
September 12, 2011
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Please advise if any further information would be of assistance to the Court.

Respectfully submitted,



Robert R. Leinwand

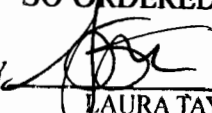
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cc: Mark D. Salzberg, Esq.—via email
Nathan Dershowitz, Esq.—via email
Sharon Levin, Esq.—via email
Susan C. Wolfe, Esq.—via email
Vivian Shevitz, Esq.—via email
Julian Friedman, Esq.—via email
Eugene F. Hostres-Velez, Esq.—via email

The conference is
adjourned to
September 23, 2011, at
2:15 pm. The SEC
must arrange for
Mr Tanaka's telephone
participation.

SO ORDERED.

NEW YORK, NY


Laura Taylor Swain
Sept 12, 2011 UNITED STATES DISTRICT JUDGE